

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-22281-KMM

HOWARD CAPLAN,

Plaintiff,

v.

K & K TIRES SHOP INC.,

Defendant.

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**ORDER ON REPORT AND RECOMMENDATION**

THIS CAUSE came before the Court upon Plaintiff Howard Michael Caplan's ("Plaintiff") Unopposed Motion for Bill of Costs (ECF No. 34). The matter was referred to the Honorable Lauren F. Louis, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 and the Magistrate Judge Rules of the Local Rules of the Southern District of Florida, to take all necessary and proper action as required by law and/or to issue a Report and Recommendation (ECF No. 35). On January 24, 2023, Magistrate Judge Louis issued a Report and Recommendation, ("R&R") (ECF No. 36), recommending that the Motion be GRANTED. No objections to the R&R were filed, and the time to do so has now passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court "must consider *de novo* any objection to the magistrate judge's recommendation." Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files "a proper, specific objection" to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App'x 781,

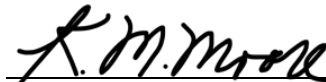
784 (11th Cir. 2006).

Yet when a party has failed to object to the magistrate judge's findings, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *See Keaton v. United States*, No. 14-CV-21230, 2015 WL 12780912, at \*1 (S.D. Fla. May 4, 2015); *see also Lopez v. Berryhill*, No. 17-CV-24263, 2019 WL 2254704, at \*2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge evaluate[s] portions of the R & R not objected to under a clearly erroneous standard of review) (internal quotation marks omitted).

In her Report and Recommendation, Magistrate Judge Louis recommends Defendant be awarded a total of \$492.40 in costs derived from: (1) \$402.00 in filing fees; (2) \$86.00 for service of process on Defendant; and (3) \$4.40 in postage costs, to accrue interest in accordance with 28 U.S.C. § 1961. *See generally* R&R. This Court agrees.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the R&R (ECF No. 36) is ADOPTED. Defendant's Motion for Bill of Costs (ECF No. 34) is GRANTED, and Defendant is awarded \$492.40 in taxable costs, plus post-judgment interest.

DONE AND ORDERED in Chambers at Miami, Florida, this 28th day of August, 2023.



K. MICHAEL MOORE

UNITED STATES DISTRICT JUDGE

c: All counsel of record